

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
<b>METRO TWO-WAY, LLC</b>	)	WTB Docket No. 18-133
	)	FRN: 0023715899
Licensee of Various Authorizations in the Wireless	)	
Radio Services	)	Application File No. 0006481203
	)	
Applicant for new Authorization	)	

To: Marlene H. Dortch, Secretary  
Attn: Chief Administrative Law Judge Richard L. Sippel

**PREHEARING CONFERENCE SUPPLEMENT**

1. The Chief, Enforcement Bureau (Bureau), by her attorneys, at the request of the Presiding Judge, herein submits a copy of the Abstract of Judgment showing Hector M. Mosquera's felony conviction.<sup>1</sup>

2. On May 3, 2018, the Wireless Telecommunications Bureau designated for hearing the questions of whether Metro Two-Way, LLC ("Metro") is qualified to be and remain a Commission licensee, and as a consequence of that determination, whether its licenses should be revoked, and its pending application for a new authorization should be denied.<sup>2</sup> A central issue in the HDO was whether Metro had repeatedly made misrepresentations to, and lacked candor with, the Commission in submission of its various applications for Wireless Radio Service authorizations, in light of the criminal conviction of Hector M. Mosquera, whom, according to

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<sup>1</sup> *In the Matter of Metro Two-Way, LLC*, Order to Show Cause, Hearing Designation Order and Notice of Opportunity for Hearing, WTB Docket No. 18-133, DA 18-454 (rel. May 3, 2018) (HDO).

<sup>2</sup> See HDO at para. 1.

Commission records and those filed with the California Secretary of State, controls Metro.<sup>3</sup> The evidence of Mr. Mosquera's conviction is cited in the HDO, but it is not actually attached to the HDO.<sup>4</sup>

3. The HDO also required Metro to file a written appearance within 20 calendar days of the release of the HDO.<sup>5</sup> Failure to file such an appearance constitutes waiver of the hearing, and results in termination of the hearing and dismissal with prejudice of the pending application.<sup>6</sup> Metro failed to file a written appearance within the time prescribed in the HDO.

4. On June 5, 2018, the Presiding Judge held the first Prehearing Conference in this case.<sup>7</sup> Metro failed to appear at the Prehearing Conference, and the Presiding Judge requested that the Bureau provide a copy of the evidence of Mr. Mosquera's conviction. Attached is the Abstract of Judgment filed by Mobile Relay Associates with the Commission on January 26, 2015, describing Mr. Mosquera's felony conviction.

5. In addition, because Metro has failed to file a written appearance, the Bureau submits that pursuant to the Commission's rules and to the ordering clauses of the HDO, Metro has waived its right to a hearing and the Presiding Judge should dismiss Metro's pending application with prejudice, terminate the hearing on the basis of waiver, and certify the case to the Commission.

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<sup>3</sup> See HDO at paras. 6-7.

<sup>4</sup> See *id.* at n.17.

<sup>5</sup> See *id.* at para. 17.

<sup>6</sup> See *id.* at paras. 15(d)-(f), 18; see also 47 C.F.R. §§ 1.92(c), 1.221(c).

<sup>7</sup> See *Order*, FCC 18M-01 (ALJ, rel. June 5, 2018).

Respectfully submitted,

Rosemary C. Harold  
Chief, Enforcement Bureau

A handwritten signature in dark ink, appearing to read "Pamela S. Kane", is written over a horizontal line.

Pamela S. Kane  
Special Counsel  
Investigations and Hearings Division  
Enforcement Bureau  
Federal Communications Commission  
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(202) 418-1420

Michael Engel  
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Market Disputes Resolution Division  
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June 6, 2018

**ABSTRACT OF JUDGMENT - PRISON COMMITMENT  
SINGLE OR CONCURRENT COUNT FORM**

FORM DSL 290.1

(Not to be used for Multiple Count Convictions nor Consecutive Sentences)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
BRANCH NORTHEAST

COURT ID.  
**190005**

PEOPLE OF THE STATE OF CALIFORNIA versus  
DEFENDANT: **MOSQUERA, HECTOR MANUEL**  
AKA:

☒ PRESENT  
☐ NOT PRESENT

CASE NUMBER  
**GA010199**

COMMITMENT TO STATE PRISON.  
ABSTRACT OF JUDGMENT

AMENDED  
ABSTRACT ☐

DATE OF HEARING (MO) (DAY) (YR)  
**031192**

DEPT. NO

**NE H**

JUDGE

**JANICE CROFT**

CLERK

**D LEEDS**

REPORTER.

**B MENDOZA**

COUNSEL FOR PEOPLE

**J BEHLING**

COUNSEL FOR DEFENDANT

**C GARDNER, DPD**

PROBATION NO. OR PROBATION OFFICER

**X-1069494**

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONY (OR ALTERNATE FELONY/MISDEMEANOR):

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY			TERM (YEAR)	TIME IMPOSED	
					MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA		YEARS	MONTHS
<b>01</b>	<b>HS</b>	<b>11351</b>	<b>POSS 4 SALE COCAINE</b>	<b>92</b>	<b>01</b>	<b>27</b>	<b>92</b>			<b>X</b>	<b>L</b>	<b>2</b>	

2. ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC

For each count list enhancements horizontally. Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total

3. ENHANCEMENTS charged and found true FOR PRIOR CONVICTIONS OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER:

List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., if 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 times). Enter time imposed for each or "S" for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time for these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Enhancement	Yrs or "S"	Total

4. OTHER ORDERS:

**DEFENDANT SURRENDERS TO BEGIN TO SERVE 2 YEARS STATE PRISON IN THIS CASE ON 07/20/1992.**

5. TIME STAYED § 1170.1(g) (DOUBLE BASE LIMIT):

6. TOTAL TERM IMPOSED:

**2.**

7. ☐ THIS SENTENCE IS TO RUN CONCURRENT WITH ANY PRIOR UNCOMPLETED SENTENCE(S):

8. EXECUTION OF SENTENCE IMPOSED:

A. ☒ AT INITIAL SENTENCING HEARING    B. ☐ AT RESENTENCING PURSUANT TO DECISION ON APPEAL    C. ☐ AFTER REVOCATION OF PROBATION    D. ☐ AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(d))    E. ☐ OTHER \_\_\_\_\_

9. DATE OF SENTENCE PRONOUNCED (MO) (DAY) (YR) <b>031192</b>	CREDIT FOR TIME SPENT IN CUSTODY <b>52</b>	TOTAL DAYS (INCLUDING: <b>35</b>	ACTUAL LOCAL TIME <b>17</b>	LOCAL CONDUCT CREDITS <b>17</b>	STATE INSTITUTIONS <input type="checkbox"/> DMH <input type="checkbox"/> CDC
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10. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ FORTHWITH    INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT:    ☐ CALIF INSTITUTION FOR WOMEN - FRONTERA    ☐ CALIF MEDICAL FACILITY - VACAVILLE    ☒ CALIF. INSTITUTION FOR MEN - CHINO    ☐ DEVEL VOC. INST.  
☐ AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS    ☐ OTHER (SPECIFY): \_\_\_\_\_

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

DATE

**07/31/92**

This form is prescribed under Penal Code § 1213.5 to satisfy the requirements of § 1213 for determinate sentences under Penal Code § 1170. Attachments may be used but must be referred to in this document.

**ABSTRACT OF JUDGMENT - COMMITMENT  
SINGLE OR CONCURRENT COUNT FORM**

(Not to be used for Multiple Count Convictions nor Consecutive Sentences)

FORM DSL 290.1

MUNICIPAL COURT OF PASADENA JUDICIAL DISTRICT

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

**FILED**

LOS ANGELES SUPERIOR COURT

THE PEOPLE OF THE STATE OF CALIFORNIA,

JAN 31 1992 Plaintiff

v. JAMES H. DEMPSEY, CLERK

01 HECTOR MANUEL MOSQUERA

BY R. MALDONADO, DEPUTY  
Defendant(s)

Case No. GA010199

AMENDED  
FELONY COMPLAINT

**FILED**

JAN 27 1992

CLERK...  
PASADENA JUDICIAL DISTRICT

BY *[Signature]* DEPUTY

The undersigned is informed and believes that:

COUNT 1

On or about January 10, 1992, in the County of Los Angeles, the crime of POSSESSION FOR SALE OF A CONTROLLED SUBSTANCE, in violation of HEALTH AND SAFETY CODE SECTION 11351, a Felony, was committed by HECTOR MANUEL MOSQUERA, who did willfully and unlawfully possess for sale and purchase for sale a controlled substance, to wit, cocaine.

"NOTICE: If convicted of this offense the court must suspend your driving privileges if you are under the age of 21 years. Vehicle Code section 13202.5".

"NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594."

It is further alleged that the above offense is a violation of Penal Code section 1203.073(b)(1).

\* \* \* \* \*

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER GA010199, CONSISTS OF 1 COUNT(S).

Executed at Pasadena, County of Los Angeles, on January 13, 1992.

\_\_\_\_\_  
PAT CARNIGHAN

DECLARANT AND COMPLAINANT

.....  
IRA REINER, DISTRICT ATTORNEY

BY:                     

DAVID R DISCO, DEPUTY

AGENCY: PASA INV. NARC  
DR NO: 92002470

I/O:

OPERATOR: vf

ID NO:

PHONE NO:

PRELIM.TIME EST.: 30 Min.

DEFENDANT

MOSQUERA, HECTOR MANUEL

CII NO.

A08170552

DOB

2/13/68

BOOKING

NO.

2891247

BAIL

RECOM'D

\$ 10,000

CUSTODY

R'TN DATE

1/14/92

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

FELONY COMPLAINT - ORDER HOLDING TO ANSWER - P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

HECTOR MANUEL MOSQUERA

<u>Count</u>	<u>Charge</u>	<u>Charge</u>	<u>Special</u>	<u>Alleg.</u>
<u>No.</u>	<u>Charge</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
1	HS11351	2-3-4	PC1203.073(b)(1)	PSP

I order that defendant(s) be held to answer therefor and be admitted to bail in the sum of:

HECTOR MANUEL MOSQUERA \_\_\_\_\_ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

HECTOR MANUEL MOSQUERA \_\_\_\_\_ in Dept: \_\_\_\_\_

at: \_\_\_\_\_ A.M.

Date: \_\_\_\_\_

\_\_\_\_\_  
Committing Magistrate

## CERTIFICATE OF SERVICE

Pamela S. Kane certifies that she has on this 6th day of June, 2018, sent copies of the foregoing "PREHEARING CONFERENCE SUPPLEMENT" via first-class mail to:

The Honorable Richard L. Sippel  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554 (by hand, courtesy copy)

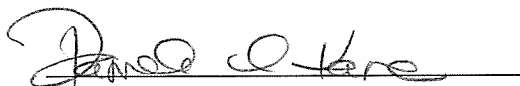
Rachel Wickenheiser  
Office of the Administrative Law Judge  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554 (by hand, courtesy copy)

Metro Two-Way, LLC  
P.O. Box 2871  
Fullerton, CA 92837  
Attn: Radio Manager

CARA Enterprises, Inc.  
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Attn: Doug Thompson

Dennis C. Brown  
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Manassas, VA 20109-7406

Mobile Relay Associates  
c/o David J. Kaufman  
Rini O'Neil, PC  
1200 New Hampshire Avenue, NW  
Suite 600  
Washington, DC 20036



Pamela S. Kane